

7272-119/10307292

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Inventor: S. SHINOTSUKA et al.

Serial No.: 10/609,493

Filed: June 24, 2003

For: IMAGE PROCESSING DEVICE

Group Art Unit: 2621

Examiner: Unknown

PETITION UNDER 37 C.F.R. 1.182
TO ACCEPT SUBSTITUTE TRANSLATION OF PCT CLAIMS

Applicant respectfully petitions the Commissioner under 37 C.F.R. 1.182, or whichever PTO Rule is appropriate, to accept a substitute English translation of the original Japanese PCT claims for the set of English language claims filed with this U.S. National Phase application on June 24, 2003. It is believed that this Petition is necessary for correcting an inadvertent error by the undersigned counsel for applicant to comply with 35 U.S.C. 371.

According to MPEP § 1002.02(p), paragraph No. 1, it would appear that it is appropriate for this Petition to be considered by the PCT Legal Administrator.

APPLICATION FILING HISTORY

This National Phase application was filed on June 24, 2003 with an English translation of the Japanese language PCT application PCT/JP02/09820 specification and abstract, as well as other formal papers. However, the claims 1-12 in English that were filed were not a direct

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 29, 2005

By:

Diane C. Smith
Diane C. Smith

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translation of the original claims 1-7 in the Japanese PCT application, but rather, the undersigned counsel for applicant prepared the new set of claims 1-12 that (a) incorporated claim amendments that had been made in the PCT application after the International Search Report, including deleting original claim 2 and renumbering as 1-6, and (b) added method claims 7-12 which didn't appear in the PCT application or its amended claims 1-6. In essence, counsel for applicant incorrectly treated the claims of this National Phase application as a "Continuation" based on the PCT application by substituting what counsel believed were more appropriate claims for the U.S. without any "new matter." However, 35 U.S.C. 371 requires "a translation" of the entire international application, without claim amendments unless provided separately, for filing the National Phase, even though applicant is entitled to simultaneously file a Preliminary Amendment to revise the claims. This error by counsel was unintentional.

Counsel for applicant recently discovered the impropriety of filing a revised claim set as the "translation" of the PCT claims when, in connection with a separate National Phase application, counsel received a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DU/EO/905) ("NOTICE") that required a new translation of the PCT application because "the number of claims in the International Application and the number of claims in the translation are not the same." No such NOTICE was received with respect to the subject application even though the PCT International Application had 7 original claims and this National Phase was filed with claims 1-12. This National Phase application did receive a "Notice To File Missing Parts of Nonprovisional Application" requiring an Oath or Declaration and additional fees, which has been accomplished.

RELIEF REQUESTED

Applicant petitions and requests that the attached SUBSTITUTE TRANSLATION OF

PCT ORIGINAL CLAIMS be accepted and filed, as a substitute for the original claims 1-45 filed herein as though filed with the original National Phase application papers, and further, that the filing date of June 24, 2003 be retained, all for purposes of complying with 35 U.S.C. 371.

PROSECUTION HISTORY AND PROPOSED PRELIMINARY AMENDMENT

No Office Action on the merits has been received with respect to this application. In the event this Petition is granted, Applicants intend to immediately file a Preliminary Amendment that will amend the 7 claims in the attached SUBSTITUTE TRANSLATION OF PCT ORIGINAL CLAIMS to conform to the set of 12 claims that were filed with this application. Of course, if the Decision on petition directs Applicants to resolve this matter in some other manner, we will do so.

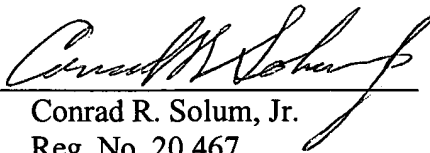
CONCLUSION

A favorable consideration of this Petition is respectfully requested. If the PTO official reviewing this wishes any further explanation of the situation or needs any further documentation, he or she is requested to telephone the counsel for applicant that will be responsible for this case hereafter namely, John D. McConaghy.

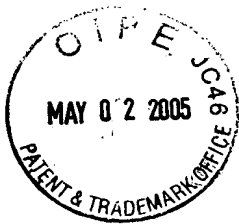
Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

Date: April 29, 2005

By 
Conrad R. Solum, Jr.
Reg. No. 20,467

865 South Figueroa St., 29th Floor
Los Angeles, California 90017
(213) 892-9200



SUBSTITUTE TRANSLATION OF PCT ORIGINAL CLAIMS

1. An image processing device for emphasizing a specified luminance area of an image taken by an image sensor, which is capable of emphasizing an image sensor output of any luminance area by using an image sensor output characteristic conversion table.
2. An image processing device as defined in claim 1, wherein an image sensor output of a low luminance area and an image sensor output of a high luminance area are emphasized respectively to increase a contrast between a dark portion and a bright portion of the image taken by the image sensor.
3. An image processing device as defined in claim 2, wherein an image sensor output of an intermediate luminance area between a low luminance area and a high luminance area of an image is fixed to a specified level.
4. An image processing device as defined in claim 1, wherein a light sensor circuit representing one unit pixel of the image sensor has a logarithmic output characteristic.
5. An image processing device as defined in claim 4, wherein a light sensor circuit representing one unit pixel of the image sensor comprises a MOS transistor for converting a current flowing in a photo diode into a voltage signal having a logarithmic characteristic in a weak inverse state.
6. An image processing device as defined in claim 4, wherein a light sensor circuit representing one unit pixel of an image sensor comprises a MOS transistor for converting a current flowing in a photo diode into a voltage signal having a logarithmic characteristic in a weak inverse state and has a control means

for discharging a remaining electric charge of a parasitic capacitance of the photo diode by preliminarily changing a drain voltage of the MOS transistor.

7. An image processing device as defined in claim 4, wherein a light sensor circuit representing one unit pixel of an image sensor has a shutter function.

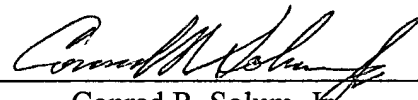
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The Commissioner is authorized to charge Fulbright & Jaworski's Deposit Account No. **50-0337** for any additional fees which may be required regarding this communication, and to credit any overpayments to said Deposit Account **50-0337**.

Respectfully submitted,
Fulbright & Jaworski LLP

Dated: April 29, 2005

By: _____


Conrad R. Solum, Jr.
Reg. No. 20,467

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PATENT TRADEMARK OFFICE

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S. Shinotsuka et al.) **Group Art Unit: 2621**
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For: IMAGE PROCESSING DEVICE)

PETITION TRANSMITTAL

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition Under 37 C.F.R. 1.182 To Accept Substitute Translation of PCT Claims.

We also enclose a SUBSTITUTE TRANSLATION OF PCT ORIGINAL CLAIMS.

Please charge Fulbright & Jaworski's Deposit Account No. **50-0337** in the amount of \$130.00 for the Petition Fee Under 37 CFR 1.17(h).

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Dated: April 29, 2005

By: Diane C. Smith
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